**REPUBLIC OF SOUTH AFRICA**

**PORTFOLIO COMMITTEE AMENDMENTS**

**TO**

**CRIMINAL MATTERS AMENDMENT BILL**

**[B20-2015]**

*(As agreed to by the Portfolio Committee on Justice and Correctional Services*

*(National Assembly))*

**[B20A-2015]**

**AMENDMENTS AGREED TO**

\_\_\_\_\_\_\_\_

CRIMINAL MATTERS AMENDMENT BILL

[B 20—2015]

\_\_\_\_\_\_\_\_\_

**CLAUSE 1**

1. On page 3, in line 5, after “service”, to insert a comma.
2. On page 3, in line 5, to omit “and”.
3. On page 3, in line 6, to omit “includes a service”.
4. On page 3, in line 14, after “device”, to insert “, and **“tampering”** shall be construed accordingly”.

**CLAUSE 3**

1. On page 3, in line 24, after “**3.**”, to insert “(1)”.

2. On page 3, in line 28, after “known”, to insert “or suspected”.

3. On page 3, in line 30, after “years”, to insert “or, in the case of a corporate body as contemplated in section 332(2) of the Criminal Procedure Act, 1977, a fine not exceeding R100 million”.

4. On page 3, after line 30, to insert:

“(2) For the purposes of this Act, a person ought reasonably to have known or suspected a fact if the conclusions that he or she ought to have reached are those which would have been reached by a reasonably diligent and vigilant person having both-

(*a*) the general knowledge, skill, training and experience that may reasonably be expected of a person in his or her position; and

(*b*) the general knowledge, skill, training and experience that he or she in fact has.”.

**CLAUSE 6**

1. On page 4, in line 34, after “(Act No. 121 of 1998),” to insert “which relates to an offence”.

**NEW CLAUSE**

1. That the following be a new Clause:

**Amendment of Schedule 1 to Act 121 of 1998, as amended by section 36(1) of Act 12 of 2004 and section 27(1) of Act 33 of 2004, substituted by section 68 of Act 32 of 2007, amended by section 11 of Act 13 of 2013 and section 48 of Act 7 of 2013**

**9.** Schedule 1 to the Prevention of Organised Crime Act, 1998, is hereby amended by the addition of the following item after item 33A:

“33B. Any offence referred to in section 3 of the Criminal Matters Amendment Act, 2015;”.

**LONG TITLE**

1. On page 2, in the sixth line, after “**infrastructure;**”, to insert: **“to amend the Prevention of Organised Crime Act, 1998, so as to insert a new offence in Schedule 1 to the Act”.**